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**UNITED STATES DISTRICT COURT
DISTRICT COURT OF WYOMING**

FIRSTMARK CONSTRUCTION, LLC, a Montana
Limited Liability Company

Plaintiff,

v.

MOUNTAIN CONSTRUCTION COMPANY, a
Wyoming Corporation, and EMPLOYERS MUTUAL
CASUALTY COMPANY, an Iowa Corporation,

Defendants.

MOUNTAIN CONSTRUCTION COMPANY, a
Wyoming Corporation,

Counter-Claimant and Third-Party
Plaintiff,

v.

FIRSTMARK CONSTRUCTION, LLC, a Montana
Limited Liability Company; and FIDELITY AND
DEPOSIT COMPANY OF MARYLAND, an Illinois
Corporation,

Counter-Defendant and Third-Party
Defendant.

Case Number: 2:20-cv-97-F

**PARTIES' STIPULATED MOTION FOR ALTERNATIVE DISPUTE RESOLUTION BY
JUDICIAL OFFICER [CHIEF MAGISTRATE JUDGE RANKIN]**

Plaintiff FirstMark Construction, LLC (“Plaintiff”) and Third-Party Defendant Fidelity and Deposit Company of Maryland (“Third-Party Defendant”) and Defendants Mountain Construction Company (“MCC”) and Employers Mutual Casualty (“EMC”), and Counter-Claimant and Third Party Plaintiff MCC, through their attorneys, and pursuant to L.R.

16.3(a)(1):

1. Seek to expeditiously resolving their dispute prior to trial.
2. Agree and move the Court for referral to alternative dispute resolution (“ADR”) before a Judicial Officer.
3. Request the Clerk of Court to forward a copy of the Stipulated Motion and Agreement for Referral to presiding Judge Freudenthal and the requested Judicial Officer, Chief Magistrate Judge Kelly H. Rankin, to serve as the neutral.
4. The parties are currently available to schedule the ADR for a day during the week of March 8, 2021 or March 15, 2021.

WHEREFORE, the Parties respectfully request referral to ADR before Chief Magistrate Judge Rankin.

DATED: February 1, 2021

/s/ Jeffrey S. Pope
Counsel for Plaintiff(s)

02/01/2021
Date

/s/ S. Joseph Darrah
Counsel for Defendant(s)

02/01/2021
Date